

REMARKS

I. STATUS OF THE CLAIMS

New claims 17-20 are added.

In view of the above, it is respectfully submitted that claims 1-20 are currently pending.

II. REJECTION OF CLAIM 10 UNDER 35 USC 112, FIRST PARAGRAPH

Claim 10 is amended to overcome the rejection. Support for the amendments is found, for example, in FIG. 8, and the corresponding disclosure on page 18, line 20, through page 19, line 9, of the specification.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. OBJECTION TO CLAIM 6

Claim 6 is amended to overcome the objection.

IV. REJECTION OF CLAIMS 1-16 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER FUKUSHIMA (US PATENT NO. 5,805,759)

Claim 1 is amended to recite that the collimated beam is not a spectral beam. Similar amendments are made to the other independent claims.

Fukushima discloses an optical equalizer that requires a light be a spectral beam having separate wavelength components. See, for example, spectral beam SP in FIG. 1 of Fukushima, and the corresponding disclosure on column 6, lines 24-44, of Fukushima. The device of Fukushima uses a beam expander 2 to convert input light into the spectral beam SP and a beam condenser 4 to convert the spectral beam SP into an output light. See, for example, column 5, lines 24-39, of Fukushima.

Therefore, Fukushima requires that the light be a spectral beam. The device of Fukushima will not operate properly unless the light is a spectral beam.

Accordingly, it is respectfully submitted that the amendments to the independent claims clearly distinguish over Fukushima.

* * *

New claim 17 recites that the first and second filter portions each have a same, non-zero transmittance versus wavelength characteristic over wavelengths in the collimated light. See also new claims 18-20. Support for the new claims is found, for example, in FIG. 2, and the disclosure on page 6, lines 3-5; page 6, lines 22-23; and column 18, lines 12-17, of the present application.

FIG. 7(C) of Fukushima discloses an attenuator plate 6D. The transmittance versus wavelength characteristics of attenuator plate 6D are shown in FIG. 7(D) of Fukushima. As can be seen in FIG. 7(D) of Fukushima, the portions adjacent to slit 42 have zero transmittance for wavelengths in the light. Therefore, the attenuator plate 6D in Fukushima is significantly different than that recited in new claims 17-20.

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In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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By: _____

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